D.B. CIVIL SPECIAL APPEAL (W) NO.646/2004.
(Kalpana Bohra vs. J.N.V. University.)

Date :19.04.2005.

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.Pankaj Gupta, for the appellant.
Mr.D.C. Sharma, for the respondent.

We have heard learned counsel for the parties and perused the order of the learned Single Judge dated 20.09.2004.

The appellant appeared in the Pre Teacher Education Test, 2004 (hereinafter referred to as "PTET"). She was called for counselling held on 10.07.2004, but she could not appear as she met with an accident on 9.7.2004. She submitted a representation. The respondent published third list on 13.08.2004 wherein her name did not appear amongst other candidates called for counselling scheduled to be held on 25th & 26th August, 2004.

The appellant approached to this Court by way of writ petition. The learned Single Judge by ad interim order dated 24.08.2004 directed the respondent to consider the appellant's case provisionally on her own merit in the counselling scheduled on 25th & 26th August, 2004. The appellant participated in the

counselling held on 25.08.2004 in which as per her merit she was allotted the college namely Modern Education Teachers Training College, Gopalpura Bye-pass, Jaipur. It is not in dispute that she has been admitted and completed the course and has also appeared in the examination.

The learned Single Judge dismissed the writ petition solely on the ground that the mis-statement of fact was made by the appellant to the effect that the representation was made by the appellant for non-appearance on 10.08.2004. On this question, there is an oath against oath. Considering all facts and circumstances of the case, it is just and appropriate to taken an equitable view to allow the appellant to complete the B.Ed. course.

Consequently, the special appeal is allowed. The order of the learned Single Judge dated 20th September, 2004 is set aside. The writ petition is allowed. The provisional admission given to the appellant under the order of this Court is made absolute. She will be allowed to complete the B.Ed. course.

(MANAK MOHTA),J. **(N.N.MATHUR),J.**

Ashwini/-